98TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
98-1093

AUTHORIZING APPROPRIATIONS FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEPTEMBER 28, 1984.—Ordered to be printed

Mr. FUQUA, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 1097]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Oceanic and Atmospheric Administration's Atmospheric and Oceanic Research and Services Act of 1984".

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

SEC. 101. The Congress of the United States finds that:

(1) The oceans and atmosphere surrounding and within the jurisdiction of the United States play a vital role in the Nation's welfare, economy, and security.

(2) The National Oceanic and Atmospheric Administration is the lead agency for oceanic and atmospheric matters in the Nation. It was created on October 3, 1970, by Reorganization

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Plan Numbered 4 of 1970 to bring together many of the Nation's civil programs related to the oceans and atmosphere. The National Oceanic and Atmospheric Administration's broad goals include the development and operation of national programs to—

(A) manage and conserve selected marine resources for the economic and social good of the Nation;

(B) monitor and predict weather and environmental conditions for the protection of life and property;

(C) archive, analyze, and disseminate data on oceanographic, climatic, geophysical, and solar-terrestrial phenomena;

(D) provide basic maps, charts, surveys, and specialized data for safe navigation; and

(E) provide research to advance oceanic and atmospheric science and technology for the better management of the environment and the rational use of our national resources.

SEC. 102. The purposes of the Congress in this Act are—

(1) to ensure that the National Oceanic and Atmospheric Administration, the lead agency for civil oceanic and atmospheric activities and programs, operates under a clear statutory charter; and

(2) to simplify, streamline, and consolidate the authorization of appropriations for the National Oceanic and Atmospheric Administration, within the Department of Commerce, such that the National Oceanic and Atmospheric Administration's programs can be viewed in a coherent fashion.

TITLE II—GENERAL PROGRAM AUTHORIZATIONS

SEC. 201. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric and hydrological research and services functions and duties under law, $366,000,000 for fiscal year 1984, and $383,000,000 for fiscal year 1985. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric and hydrological research and services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890, as amended (15 U.S.C. 311), the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301), and any other law involving such duties. Such duties include, but are not limited to: meteorological, hydrological, and oceanographic public warnings and forecasting; and research for developing improved prediction capabilities for atmospheric and hydrological processes.

(b) The atmospheric and hydrological research and services functions and duties authorized by subsection (a) of this section shall be considered separate and distinct from such functions and duties performed pursuant to moneys authorized under sections 406 and 601 of this Act. The total authorization for all such functions and

duties shall be the aggregate sum of the amounts provided in subsection (a) of this section and sections 406 and 601 for such functions and duties.

(c) Of the funds authorized by subsection (a) of this section, such amount as may be necessary is authorized for the planning and preliminary design for a remote weather radar station in the southeastern quadrant of the United States.

SEC. 202. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite and environmental data and information services duties under law, $252,000,000 for fiscal year 1984, and $314,056,000 for fiscal year 1985. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to satellite and environmental data and information services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890, as amended (15 U.S.C. 311), title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (96 Stat. 1597), and any other law involving such duties. Such duties include, but are not limited to: satellite maintenance and operations and satellite data analysis: spacecraft procurement, launch, and associated ground station system changes involving polar-orbiting and geosynchronous meteorological satellites and land and ocean remote-sensing satellites; and environmental data and information products and services in the atmospheric, marine, solid earth, and solar-terrestrial sciences.

(b) Upon receipt of a commitment for reimbursement by the Secretary of the Navy for the cost of the NOAA-D spacecraft and upon a successful launch of the NOAA-F spacecraft, the Administrator of the National Oceanic and Atmospheric Administration (hereafter referred to in this section as the "Administrator") shall make the NOAA-D spacecraft available for the Navy Remote Ocean Sensing System. The Secretary of the Navy shall provide the Administrator with access to the civil data produced by the system, and the Administrator shall take such actions, including sponsorship of applied research, as may be necessary to assure the availability and usefulness of such data to the maritime community.

SEC. 203. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its oceanic research and services duties and its mapping, charting, and geodesy duties under law, $104,000,000 for fiscal year 1984, $96,509,000 for fiscal year 1985, and $115,000,000 for fiscal year 1986. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to ocean research and services programs and to mapping, charting, and geodesy programs specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to: undersea marine resources, air-sea interaction, and ocean and Great Lakes environmental research; ocean dumping research; coordination of interagency research on marine

pollution and provision of tide and current data for the safe and efficient use of the oceans and Great Lakes by government, commerce, and the private sector; and aeronautical and nautical mapping and charting activities and geodetic data collection and analysis.

(b) The functions and duties involving ocean research and services programs, and mapping, charting, and geodesy programs authorized by subsection (a) of this section shall be considered separate and distinct from such functions and duties performed pursuant to moneys authorized under sections 504 and 509 of this Act. The total authorization for all such functions and duties shall be the aggregate sum of the amounts provided in subsection (a) of this section and sections 504 and 509 for such functions and duties.

SEC. 204. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its executive direction and administration, its marine services, and its aircraft services duties under law, $113,000,000 for fiscal year 1984, $117,458,000 for fiscal year 1985, and $124,000,000 for fiscal year 1986. Moneys appropriated pursuant to this authorization shall be used to fund those duties specified by the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970, as amended (33 U.S.C. 857–1), by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890, as amended (15 U.S.C. 311–329), and any other law involving such duties. Such duties include, but are not limited to: management, administrative support, retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development; ship operations, maintenance, and support; and aircraft operations, maintenance, and support.

SEC. 205. (a) Funds may be transferred between categories authorized in section 201, 202, 203, and 204, except that no funds may be transferred between any two categories if the amount transferred would exceed 10 per centum of the amount authorized for either category, unless a period of thirty days has passed after the Administrator of the National Oceanic and Atmospheric Administration or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor.

(b) None of the funds authorized under this Act may be used either to issue a request for proposals, or (in those cases for which such a request for proposals had been issued as of the date of enactment of this section) to award any contract, for the performance of any function or activity which was, on January 26, 1984, performed by National Oceanic and Atmospheric Administration employees, unless—

(1) the Administrator of the National Oceanic and Atmospheric Administration or his designee has presented, in writing,

to the Speaker of the House of Representatives and the President of the Senate, to the Committee on Science and Technology and the Committee on Merchant Marine and Fisheries of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a full and complete statement (including relevant supporting studies) concerning the proposed issuance or award and the reasons therefor; and

(2) a period of thirty days on which either the House of Representatives or the Senate is in session has expired after the date of presentation of such statement.

TITLE III—REPORTING REQUIREMENTS

SEC. 301. The Administrator of the National Oceanic and Atmospheric Administration shall keep the appropriate committees of the House of Representatives and the Senate fully and currently informed about all aspects of the atmospheric and oceanic research and services activities for such Administration.

SEC. 302. (a) The Administrator of the National Oceanic and Atmospheric Administration shall submit to the Congress and the President, on the date of submission of the fiscal year 1986 budget request, a report on the importance of meteorological satellites to weather forecasting. Such report shall include—

(1) a quantitative analysis of the impacts of weather satellites on weather forecasting;

(2) a quantitative comparison of weather forecasts generated when two, one, or no polar-orbiting satellites are operating;

(3) the importance of National Oceanic and Atmospheric Administration weather satellite data to weather forecasting in other nations;

(4) a statistical analysis of expected lifetimes for National Oceanic and Atmospheric Administration weather satellites;

(5) an analysis of replacement time for a National Oceanic and Atmospheric Administration weather satellite in the event of a launch or operational failure or of consecutive launch or operational failures;

(6) a ten-year projection of the costs associated with a one- and a two-polar satellite system; and

(7) an assessment of efforts to promote greater international cost-sharing in civil meteorological satellite programs.

(b) Of the funds authorized pursuant to section 202 of this Act, $4,000,000 is authorized in fiscal year 1985 to plan for the continuation of a civil land remote-sensing satellite system in order to assure the preservation of data continuity for such system, if no alternative is implemented which will assure the preservation of such data continuity.

SEC. 303. (a)(1) The Secretary of Commerce, through the National Oceanic and Atmospheric Administration, shall enter into an agreement with the National Research Council of the Academies of Science and Engineering to conduct a study of the National Weather Service and related activities. Such study shall include but not be limited to—

(A) an analysis of the operations of the National Weather Service and associated activities of other agencies and the pri-

vate sector, including supporting research and technological development;

(B) a review and assessment of analyses, findings, and recommendations for weather services contained in reports on the subject issued by public and private organizations during the past five years;

(C) independent analysis by the National Research Council as may be required for the purposes of the study;

(D) recommendations on how the National Weather Service and associated activities of other agencies might be organized and conducted to provide effective weather services to meet national needs in light of the availability of new technology, new scientific understanding, the international character of weather services, and the roles of the public (Federal, State, and local) and private sectors; and

(E) to the extent possible, information on priorities and costs of recommended changes and improvements in weather services.

(2) The Administrator shall report to the Congress within six months after the date of enactment of this Act regarding the status of the Agency's negotiations to implement the study required under this section.

(b) A report including major findings and recommendations resulting from the study required under this section shall be submitted to the Congress not later than two years after the date of enactment of this Act. The Secretary shall make such data and information available to the National Research Council as may be required for the study.

(c) Of the funds authorized pursuant to section 201 of this Act, there is authorized for the conduct of this study $500,000 for each of the fiscal years 1984 and 1985.

TITLE IV—NATIONAL CLIMATE PROGRAM

SEC. 401. This title may be cited as the "National Climate Program Amendments Act of 1984".

SEC. 402. Section 4 of the National Climate Program Act (15 U.S.C. 2904) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively, and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The term 'Board' means the Climate Program Policy Board.".

SEC. 403. (a) Subsection (c) of section 5 of the National Climate Program Act (15 U.S.C. 2904(c)) is amended—

(1) by inserting "(1)" before "The Secretary",

(2) by designating the third sentence as paragraph (4), and

(3) by striking out the second sentence and inserting in lieu thereof the following new paragraphs:

"(2) The Office shall—

"(A) serve as the lead entity responsible for administering the program,

"(B) be headed by a Director who shall represent the Climate Program Policy Board and shall be the spokesman for the program,

"(C) serve as the staff for the Board and its supporting committees and working groups,

"(D) review each agency budget request transmitted under subsection (g)(1) and submit an analysis of the requests to the Board for its review,

"(E) be responsible for coordinating interagency participation in international climate-related activities, and

"(F) work with the National Academy of Sciences and other private, academic, State, and local groups in preparing and implementing the climate plan (described in subsection (d)(9)) and the program.

The analysis described in subparagraph (D) shall include an analysis of how each agency's budget request relates to the priorities and goals of the program established pursuant to this Act.

"(3) The Secretary may provide, through the Office, financial assistance, in the form of contracts or grant or cooperative agreements, for climate-related activities which are needed to meet the goals and priorities of the program set forth in the climate plan pursuant to subsection (d)(9), if such goals and priorities are not being adequately addressed by any Federal department, agency, or instrumentality.".

(b) Subsection (d) of such section is amended—

(1) by striking out the semicolon at the end of paragraph (7) and inserting in lieu thereof a period and the following: "Such mechanisms may provide, among others, for the following State and regional services and functions: (A) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy, (B) atmospheric data collection and monitoring on a statewide and regional basis, (C) advice to regional, State, and local government agencies regarding climate-related issues, (D) information to users within the State regarding climate and climatic effects, and (E) information to the Secretary regarding the needs of persons within the States for climate-related services, information, and data. The Secretary may make annual grants to any State or group of States, such grants to be made available to public or private educational institutions, to State agencies, and to other persons or institutions qualified to conduct climate-related studies or provide climate-related services;",

(2) by striking out "biennially" in paragraph (9) and inserting in lieu thereof "at a frequency (not more often than biennially or less often than quadrennially) determined by the Board", and

(3) by striking out "the intergovernmental program under section 6" in paragraph (9) and inserting in lieu thereof "the intergovernmental program described in paragraph (7)".

(c) Subsection (e) of such section is amended to read as follows:

"(e) CLIMATE PROGRAM POLICY BOARD.—(1) The Secretary shall establish and maintain an interagency Climate Program Policy

Board, consisting of representatives of the Federal agencies specified in subsection (b)(2) and any other agency which the Secretary believes should participate in the program.

"(2) The Board shall—

"(A) be responsible for coordinated planning and progress review for the program,

"(B) review all agency and department budget requests related to climate transmitted under subsection (g)(1) and submit a report to the Office of Management and Budget concerning such budget requests,

"(C) establish and maintain such interagency groups as the Board determines to be necessary to carry out its activities, and

"(D) consult with and seek the advice of users and producers of climate data, information, and services to guide the Board's efforts, keeping the Director and the Congress advised of such contacts.

"(3) The Board biennially shall select a Chair from among its members. A Board member who is a representative of an agency may not serve as Chair of the Board for a term if an individual who represented that same agency on the Board served as the Board's Chair for the previous term.".

(d) Subsection (f)(2) of such section is amended by inserting "with the Office" after "shall cooperate".

(e) The first sentence of subsection (g)(1) of such section is amended by inserting before the period at the end the following: "and shall transmit a copy of such request to the National Climate Program Office".

SEC. 404. Section 6 of the National Climate Program Act (15 U.S.C. 2905) is repealed.

SEC. 405. Section 7 of the National Climate Program Act (15 U.S.C. 2906) is amended by striking out "January 30" before paragraph (a) and inserting in lieu thereof "March 31".

SEC. 406. There are authorized to be appropriated for purposes of carrying out the provisions of the amendments made by this title $2,000,000 for fiscal year 1984, $2,100,000 for fiscal year 1985, and $2,200,000 for fiscal year 1986. Of these funds at least 25 per centum shall be made available during each fiscal year for intergovernmental climate-related activities (described in section 5(d)(7) of the National Climate Program Act) and at least 20 per centum shall be made available during each fiscal year for experimental climate forecast centers (described in section 5(d)(8) of the National Climate Program Act).

TITLE V—SELECTED OCEAN AND COASTAL AUTHORIZATIONS

SEC. 501. Section 201 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441) is amended by striking out all that follows "connecting waters" and inserting in lieu thereof a period.

SEC. 502. Section 202 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1442) is amended—

(1) by inserting "(1)" before "The Secretary" in subsection (a);

(2) by striking out "in consultation" in the first sentence of subsection (a) and inserting in lieu thereof "in close consultation";

(3) by adding at the end of subsection (a) the following new paragraph:

"(2) The Secretary shall ensure that the program under this section complements, when appropriate, the activities undertaken by other Federal agencies pursuant to title I and section 203. Such program shall include but not be limited to—

"(A) the development and assessment of scientific techniques to define and quantify the degradation of the marine environment;

"(B) the assessment of the capacity of the marine environment to receive materials without degradation;

"(C) continuing monitoring programs to assess the health of the marine environment, including but not limited to the monitoring of bottom oxygen concentrations, contaminant levels in biota, sediments, and the water column, diseases in fish and shellfish, and changes in types of abundance of indicator species;

"(D) the development of methodologies, techniques, and equipment for disposal of waste materials to minimize degradation of the marine environment."; and

(4) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 503. Section 203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1443) is amended by adding at the end thereof the following new subsections:

"(c) The Administrator, in cooperation with the Secretary, the Secretary of Commerce, and other officials of appropriate Federal, State, and local agencies, shall assess the feasibility in coastal areas of regional management plans for the disposal of waste materials. Such plans should integrate where appropriate Federal, State, regional, and local waste disposal activities into a comprehensive regional disposal strategy. These plans should address, among other things—

"(1) the sources, quantities, and types of materials that require and will require disposal;

"(2) the environmental, economic, social, and human health factors (and the methods used to assess these factors) associated with disposal alternatives;

"(3) the improvements in production processes, methods of disposal, and recycling to reduce the adverse effects associated with such disposal alternatives;

"(4) the applicable laws and regulations governing waste disposal; and

"(5) improvements in permitting processes to reduce administrative burdens.

"(d) The Administrator, in cooperation with the Secretary of Commerce, shall submit to the Congress and the President, not later than one year after the date of enactment of this provision, a report on sewage sludge disposal in the New York region. The report shall consider the factors listed in subsection (c) as they relate to landfilling, incineration, ocean dumping, or any other feasible disposal or

reuse/recycling option; shall include an assessment of the cost of these alternatives; and shall recommend such regulatory or legislative changes as may be necessary to reduce the adverse impacts associated with sewage sludge disposal.".

SEC. 504. Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is redesignated as section 205; and such section as so redesignated is amended by striking out "and" immediately following "fiscal year 1981" and by striking out "1982." and inserting in lieu thereof the following: "1982, not to exceed $12,000,000 for fiscal year 1984, not to exceed $12,600,000 for fiscal year 1985, and not to exceed $13,300,000 for fiscal year 1986. In addition, $1,000,000 is authorized to be appropriated for the Environmental Protection Agency in each of the fiscal years 1984, 1985, and 1986 to carry out the studies authorized by section 203 of this Act.".

SEC. 505. Section 205 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1445) is transferred to a point immediately following section 203 of such Act and redesignated as section 204; and such section as so transferred and redesignated is amended to read as follows:

"SEC. 204. (a) In March of each year, the Secretary of Commerce shall report to the Congress on his activities under this title during the previous fiscal year. The report shall include—

"(1) the Secretary's findings made under section 201, including an evaluation of the short-term ecological effects and the social and economic factors involved with the dumping;

"(2) the results of activities undertaken pursuant to section 202;

"(3) with the concurrence of the Administrator and after consulting with officials of other appropriate Federal agencies, an identification of the short- and long-term research requirements associated with activities under title I, and a description of how Federal research under titles I and II will meet those requirements; and

"(4) activities of the Department of Commerce under section 5 of the Act of March 10, 1934 (48 Stat. 401; 16 U.S.C. 665).

"(b) In March of each year, the Administrator shall report to the Congress on his activities during the previous fiscal year under section 203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1443).".

SEC. 506. (a) Section 2(a) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701) is amended by adding at the end thereof the following new paragraphs:

"(6) Numerous Federal agencies have initiated and supported research projects to study, enhance, manage, preserve, protect, or restore the resources of the Great Lakes.

"(7) Various research projects relating to the Great Lakes, including those conducted at the college and university level and those conducted at the State and local governmental level, can be more effectively coordinated in order to obtain maximum benefits.".

(b) Section 2(b) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701) is amended by striking out "and" at the end

of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) to provide for the effective coordination of research conducted to support the preservation and protection of the environmental quality of the Great Lakes, and to encourage the use of such research in determinations that affect the environmental quality of the Great Lakes; and".

SEC. 507. Section 4(b)(2)(A) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1703) is amended by inserting after "general research on marine ecosystems" the following: ", including the Great Lakes".

SEC. 508. Section 8 of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1707) is amended by adding "(a)" after "SEC. 8." and by adding at the end thereof the following new subsection:

"(b) The Administrator shall insure that the findings and information regarding ocean pollution research activities associated with the Great Lakes identified pursuant to section 4(b) be disseminated in a timely manner and in useful forms to relevant departments of the Federal Government, State governments, and other persons with an interest in such information.".

SEC. 509. Section 10 of the National Ocean Pollution Planning Act of 1978, as amended (33 U.S.C. 1709), is amended by striking out "and" after "1981," and by striking out "1982." and inserting in lieu thereof "1982, not to exceed $3,000,000 for fiscal year 1984, not to exceed $3,200,000 for fiscal year 1985, and not to exceed $3,400,000 for fiscal year 1986.".

TITLE VI—MISCELLANEOUS

SEC. 601. Section 6 of the Act of December 18, 1971, entitled "An Act to provide for the reporting of weather modification activities to the Federal Government" (15 U.S.C. 330e) is amended—

(1) by striking out "and"; and

(2) by inserting immediately after "1981," the following: "$100,000 for the fiscal year ending September 30, 1984, $100,000 for the fiscal year ending September 30, 1985, and $100,000 for the fiscal year ending September 30, 1986.".

SEC. 602. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

SEC. 603. (a) The Secretary of Commerce, at least sixty days before making a determination as to the necessity for the closing or consolidation of any Weather Service Office or Weather Service Forecast Office, shall provide adequate public notice of his intention to make such a determination in order to ensure that all persons served by such Offices will have an adequate opportunity to present their views.

(b)(1) The Secretary, in deciding whether or not to carry out such a closing or consolidation, shall take fully into account any views expressed by persons served by the affected Office or Offices during the sixty-day period described in subsection (a), and shall specifically consider—

(A) the effect of such closing or consolidation on the community served by such Office or Offices;

(B) the effect of such closing or consolidation on employees of the National Weather Service employed at such Office or Offices;

(C) the economic savings to the Federal Government resulting from such closing or consolidation; and

(D) such other factors as the National Weather Service determines are necessary.

(2) In making a decision under paragraph (1) the Secretary may hold such hearings as he deems necessary.

(3) The Secretary shall compile a written record including or reflecting all views presented and information received or developed in the course of his consideration of the matters involved in making such a decision, whether or not hearings are held with respect thereto as authorized by paragraph (2). The Secretary shall retain all written materials received or developed in the course of such consideration, for possible use in any review under subsection (e).

(c) Any decision of the Secretary to carry out such a closing or consolidation shall be in writing and shall set forth the findings of the Secretary with respect to the matters set forth in subparagraphs (A) through (D) of subsection (b)(1) along with a statement of the reasons for such findings and of the basis on which the decision was made. The Secretary's decision shall be made available to persons served by the affected Office or Offices.

(d) The Secretary shall take no action to carry out such a closing or consolidation until sixty days after his written decision is made available to persons served by the affected Office or Offices as required by the last sentence of subsection (c).

(e) In addition to any other review which may be available by law, a decision of the Secretary to carry out such a closing or consolidation may be reviewed in accordance with chapter 7 of title 5, United States Code, in an action brought by any State served by the affected Office or Offices. For purposes of this subsection, the term "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(f) For purposes of this section, any action taken by the Secretary resulting in the reduction of the staffing of a Weather Service Office or Weather Service Forecast Office of fifty per centum or more, or consolidating a Weather Service Office or a Weather Service Forecast Office with one or more other such Office or Offices, shall be held and considered to be a closing or consolidation within the meaning of such terms as used in this section.

SEC. 604. After fiscal year 1984, no funds shall be appropriated for any function, duty or responsibility provided for by this Act except pursuant to the authorization contained in this Act.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

DON FUQUA,
JAMES H. SCHEUER,
TIM VALENTINE,
TOM HARKIN,
MICHAEL A. ANDREWS,
WALTER B. JONES,
LARRY WINN, Jr.,
RAY MCGRATH,
CLAUDINE SCHNEIDER,
WILLIAM CARNEY,
Managers on the Part of the House.

BOB PACKWOOD,
SLADE GORTON,
BOB KASTEN,
FRITZ HOLLINGS,
WENDELL FORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text. The Senate amendment to the House amendment struck out all of the House amendment and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the Senate amendment to the House amendment to the text of the bill. The differences between the House amendment, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY OF S. 1097—NOAA FISCAL YEAR 1985 AUTHORIZATION [1]

[In thousands of dollars]

Budget activity (section of the conference substitute)	Fiscal year 1984 appropriation	Fiscal year 1985—			Committee of conference
		Budget request	House action [2]	Senate action [3]	
Ocean & coastal programs (sec. 203, 504, 509) [4]	103,603	99,238	[5] 37,673	[6] 124,800	112,309
Atmospheric programs (sec. 201, 406, 601) [7]	365,872	358,214	381,104	385,200	385,200
Satellite and EDIS programs (sec. 202)	249,340	271,669	264,624	326,000	314,056
Program support (sec. 204)	112,101	92,804	.....	121,400	117,458
Grand total	830,916	821,925	683,401	957,400	929,023

[1] Table does not include Marine Fisheries Programs.
[2] S. 1097 as amended January 26, 1984.
[3] S. 1097 as amended April 12, 1984.
[4] Includes only ocean research, ocean services, and mapping, charting, and geodesy. Does not include non-living marine resources, Sea Grant, or Coastal Zone Management.
[5] Includes only ocean research exclusive of underseas research program.
[6] Senate level for Ocean and Coastal Programs authorized by House is $39.9 million.
[7] Includes funding for the National Climate Program Act and the Weather Modification Reporting Act.

AUTHORIZATION OF APPROPRIATIONS

House amendment.—The House amendment authorized to be appropriated $650,858,000 in fiscal year 1984 and $683,401,000 in fiscal year 1985, as follows: $35,879,000 in FY 1984 and $37,673,000

in FY 1985 for Ocean Research; $360,956,000 in FY 1984 and $379,004,000 in FY 1985 for Atmospheric Programs; $252,023,000 in FY 1984 and $264,624,000 in FY 1985 for Satellite and Environmental Data and Information Services; and $2,000,000 in FY 1984 and $2,100,000 in FY 1985 for the National Climate Program Office. Included in the funding for Ocean Research, for each of the fiscal years 1984 and 1985, is $12,000,000 to reauthorize Title II of the Marine Protection, Research, and Sanctuaries Act and $3,000,000 to reauthorize the National Ocean Pollution Planning Act. Included in the funding for Atmospheric Programs is $100,000 in each of the fiscal years 1984 and 1985 to reauthorize the Weather Modification Reporting Act.

The House amendment authorized appropriations for the following NOAA activities and subactivities: all Ocean Research Programs except the Undersea Research Program; all Atmospheric Programs; and all Satellite and Environmental Data and Information Services. The House amendment did not address the following activities: all other Ocean and Coastal Programs; Marine Fishery Resource Programs; and Program Support.

Senate amendment.—The Senate amendment authorized to be appropriated $852,100,000 in fiscal year 1984, $957,400,000 in fiscal year 1985, and $258,000,000 in fiscal year 1986, as follows: $366,000,000 in FY 1984 and $383,000,000 in FY 1985 for atmospheric and hydrological research and services; $252,000,000 in FY 1984 and $326,000,000 in FY 1985 for satellite and environmental data and information services; $104,000,000 in FY 1984, $109,000,000 in FY 1985, and $115,000,000 in FY 1986 for oceanic research and services and mapping, charting, and geodesy; $113,000,000 in FY 1984, $121,400,000 in FY 1985, and $124,000,000 in FY 1986 for executive direction and administration, marine services, and aircraft services; $2,000,000 in FY 1984, $2,100,000 in FY 1985, and $2,200,000 in FY 1986 for the National Climate Program Act; $12,000,000 in FY 1984, $12,600,000 in FY 1985, and $13,300,000 in FY 1986 for Title II of the Marine Protection, Research, and Sanctuaries Act; $3,000,000 in FY 1984, $3,200,000 in FY 1985, and $3,400,000 in FY 1986 for the National Ocean Pollution Planning Act; and $100,000 in FY 1984, $100,000 in FY 1985, and $100,000 in FY 1986 for the Weather Modification Reporting Act. In addition, section 504 of the Senate amendment authorizes to be appropriated $1,000,000 in each of the fiscal years 1984, 1985, and 1986 for the Environmental Protection Agency to carry out the studies mandated by section 203 of the Marine Protection, Research, and Sanctuaries Act.

The Senate amendment authorized appropriations for the following NOAA activities and subactivities: Ocean Research, Ocean Services, and Mapping, Charting, and Geodesy; all Atmospheric Programs; all Satellite and Environmental Data and Information Services; and all Program Support. The Senate amendment did not address the following activities: Non-living Marine Resources, Sea Grant, and Coastal Zone Management; and Marine Fishery Resource Programs.

Conference Substitute—For fiscal year 1984 and fiscal year 1986, the substitute maintains the authorization levels for NOAA contained in the Senate amendment.

For fiscal year 1985, the substitute authorizes $929,023,000 for NOAA as follows: $383,000,000 for atmospheric and hydrological research and services; $314,056,000 for satellite and environmental data and information services; $96,509,000 for oceanic research and services and mapping, charting, and geodesy; $117,458,000 for executive direction and administration, marine services, and aircraft services; $2,100,000 for the National Climate Program Act; $12,600,000 for Title II of the Marine Protection, Research, and Sanctuaries Act; $3,200,000 for the National Ocean Pollution Planning Act; and $100,000 for the Weather Modification Reporting Act.

NAVY REMOTE OCEAN SENSING SYSTEM (NROSS)

House amendment.—The House amendment contained no provision relating to the Navy Remote Ocean Sensing System (NROSS).

Senate amendment.—The Senate amendment provided that the Administrator of NOAA make available for NROSS the NOAA-D "satellite launch vehicle" and directed NOAA to assure that data from NROSS be made available to the civilian maritime community.

Conference substitute.—Subsection 202(b) is intended to supersede in its entirety that provision in P.L. 98-411 dealing with availability of the NOAA-D spacecraft for NROSS. The conferees intend that the prerequisite of a successful launch of the NOAA-F spacecraft be in lieu of the proviso in P.L. 98-411 relating to a determination by the Secretary of Commerce.

Both the Congress and the Administration are in agreement that all polar-orbiting weather satellites currently on order should carry the SARSAT search-and-rescue package. NOAA-D will not accommodate the SARSAT package and therefore should be transferred to the NROSS program as soon as possible. In light of the current precarious state of NOAA's weather satellite fleet, however, the conferees believe that NOAA should retain NOAA-D until it is clear that the launch of NOAA-F has been successful.

CONTRACTING OF NOAA'S FUNCTIONS OR ACTIVITIES

House amendment.—Section 201(c) of the House amendment provided that none of the funds authorized under S. 1097 or under the Coast and Geodetic Survey Act could be used to develop or issue a request for proposals (RFP) to contract out functions or activities performed by Federal employees unless forty-five days in which either the House of Representatives or the Senate is in session has passed after the Administrator has submitted to Congress a report concerning the proposed contract.

Senate amendment.—Section 205(b) of the Senate amendment modified the House requirement in several respects. The Senate amendment requires the reporting to occur prior to issuance of a contract, rather than prior to the issuance of an RFP. In addition, the Senate amendment applies to functions performed by NOAA employees, rather than the "Federal employees" specified by the house amendment, and mandates a 30-day, rather than a 45-day, waiting period.

Conference substitute.—The substitute provides that none of the funds authorized under the Act may be used either to issue an

RFP, or in those instances in which an RFP has been issued as of the date of enactment, to award any contract for the performance of any function that was on January 26, 1984, performed by NOAA employees unless the Administrator submits to the appropriate Congressional Committees a full and complete statement on the proposed issuance or award and waits 30 days. The conferees believe that Congressional review of NOAA's A-76 activities should commence at the RFP stage because certain findings relative to the inherently governmental nature of the functions or activities need to be reviewed at that stage. The conferees also feel that the reporting requirement should apply to those A-76 reviews for which RFPs have been issued prior to enactment of the Act but for which contracts have not yet been awarded. Applying reporting requirements to these reviews ensures that Congress will have a full and complete opportunity to consider A-76 actions in NOAA.

The 30-day stay of the A-76 process mandated by the substitute constitutes an appropriate balance between providing an adequate opportunity for Congress to consider and act upon A-76 proposals and ensuring that desirable management efficiencies are achieved without undue delay.

DON FUQUA,
JAMES H. SCHEUER,
TIM VALENTINE,
TOM HARKIN,
MICHAEL A. ANDREWS,
WALTER B. JONES,
LARRY WINN, Jr.,
RAY MCGRATH,
CLAUDINE SCHNEIDER,
WILLIAM CARNEY,
Managers on the Part of the House.

BOB PACKWOOD,
SLADE GORTON,
BOB KASTEN,
FRITZ HOLLINGS,
WENDELL FORD,
Managers on the Part of the Senate.

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